

MESSAGE NO: 3218306 MESSAGE DATE: 08/06/2013

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: 76 FR 19322 FR CITE DATE: 04/07/2011

REFERENCE 1172304, 1201301
MESSAGE #
(s):

CASE #(s): A-570-831

EFFECTIVE DATE: 04/07/2011 COURT CASE #: 11-00139

PERIOD OF REVIEW: 11/01/2008 TO 10/31/2009

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for fresh garlic from the People's Republic of China exported by Zhengzhou Huachao Industrial Co., Ltd. for the period 11/01/2008 through 10/31/2009 (A-570-831)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 05/14/2013, the U.S. Court of International Trade issued a final decision in the case of Zhengzhou Huachao Industrial Co., Ltd. v. United States (Court No. 11-00139). As a result of this decision, the injunction to which message 1172304 refers enjoining liquidation of entries which are subject to the antidumping duty order on fresh garlic from the People's Republic of China (PRC) for the period 11/01/2008 through 10/31/2009 produced and exported by Zhengzhou Huachao Industrial Co., Ltd. dissolved on 07/13/2013.

2. For all shipments of fresh garlic from the PRC produced and exported by Zhengzhou Huachao Industrial Co., Ltd. (A-570-831-051), and entered, or withdrawn from warehouse, for consumption during the period 11/01/2008 through 10/31/2009, assess an antidumping liability equal to the amount per unit indicated below:

Exporter: Zhengzhou Huachao Industrial Co., Ltd.

Producer: Zhengzhou Huachao Industrial Co., Ltd.

Final rate: \$4.71 per kilogram

The exporter did not have a case number during the period 11/01/2008 through 10/31/2009.

Entries of subject merchandise exported by Zhengzhou Huachao Industrial Co., Ltd. may have been made under A-570-831-000.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of fresh garlic from the PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

4. There are no injunctions applicable to the entries covered by this instruction.
5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties are required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.
6. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.
7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O6: LW.)
8. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party